

**FILED**  
**United States Court of Appeals**  
**Tenth Circuit**

**UNITED STATES COURT OF APPEALS**

**May 7, 2024**

**FOR THE TENTH CIRCUIT**

**Christopher M. Wolpert**  
**Clerk of Court**

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DOUGLAS D. SMITH,

Defendant - Appellant.

No. 22-2142  
(D.C. No. 1:18-CR-03495-JCH-1)  
(D. N.M.)

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STATE OF NEW MEXICO; PUEBLOS  
OF SANTA CLARA; ACOMA;  
COCHITI; ISLETA; LAGUNA AND ZIA  
; AND THE ZUNI TRIBE; AND THE  
ALL PUBELO COUNCIL OF  
GOVERNORS,

Amicus Curiae.

**JUDGMENT**

Before **HARTZ, EBEL**, and **CARSON**, Circuit Judges.

This case originated in the District of New Mexico and was argued by counsel.

The judgment of that court is affirmed.

If defendant, Douglas D. Smith, was released pending appeal, the court orders that, within 30 days of this court's mandate being filed in District Court, the defendant shall surrender to the United States Marshal for the District of New Mexico. The District

Court may, however, in its discretion, permit the defendant to surrender directly to a designated Bureau of Prisons institution for service of sentence.

Entered for the Court

A handwritten signature in black ink, appearing to read 'C. M. Wolpert', with a long horizontal stroke extending to the right.

CHRISTOPHER M. WOLPERT, Clerk